
HOUSE BILL No. 1063

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-12; IC 23-13-18-4.

Synopsis: Boards of trustees of state universities. Provides that four members of the general assembly serve as nonvoting members of the board of trustees of Indiana's state institutions of higher education. Specifies that the legislator trustees are appointed by the speaker of the house of representatives or the president pro tempore of the senate for three year terms.

Effective: Upon passage.

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January 8, 2002, read first time and referred to Committee on Education.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1063

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-12-23-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The board of
3 trustees of the state university shall be ~~nine (9)~~ **thirteen (13)** in
4 number, of whom not more than two (2), excluding the student trustee
5 appointed pursuant to IC 20-12-24-3.5 **and the legislator trustees**
6 **appointed under IC 20-12-24-3.6**, shall reside in the same county. ~~and~~
7 They and their successors shall be a body politic, with the style of "The
8 Trustees of Indiana University", in that name to **do the following:**
9 (1) Sue and be sued. ~~to~~
10 (2) Elect one (1) of their number president. ~~to~~
11 (3) Elect a treasurer, secretary, and such other officers as they
12 may deem necessary **and** to prescribe the duties and fix the
13 compensation of such officers. ~~to~~
14 (4) Possess all the real and personal property of such university
15 for its benefit **and** to take and hold, in their corporate name any
16 real or personal property for the benefit of such institution. ~~to~~



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- 1 (5) Expend the income of the university for its benefit. ~~to~~
 2 (6) Declare vacant the seat of any trustee who shall ~~be~~ absent
 3 ~~himself~~ from two (2) successive meetings of the board, or be
 4 guilty of any gross immorality or breach of the bylaws of the
 5 institution. ~~to~~
 6 (7) Elect a president, such professors and other officers for such
 7 university as shall be necessary, and prescribe their duties and
 8 salaries ~~and to~~ employ other persons as necessary. ~~to~~
 9 (8) Establish programs of fringe benefits and retirement benefits
 10 for the university's officers, faculty, and other employees that may
 11 be supplemental to or in lieu of state retirement programs
 12 established by statute for public employees. ~~to~~
 13 (9) Prescribe the course of study and discipline and price of
 14 tuition in such university. ~~and to~~
 15 (10) Make all bylaws necessary to carry into effect the powers
 16 ~~hereby~~ conferred **by statute.**

17 SECTION 2. IC 20-12-23-4 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~Five (5)~~ **Seven**
 19 **(7)** of such trustees shall constitute a quorum; and, in case an
 20 emergency is declared by the faculty, after there shall have been a
 21 called session, at which the other members failed to attend, the three
 22 **(3)** trustees residing in the county of Monroe may fill vacancies in the
 23 faculty of the university and the board of trustees; and, in case there
 24 should not be three (3) trustees in attendance upon such emergency,
 25 then those that are in attendance, together with such members of the
 26 faculty as may be in attendance, shall fill such vacancies; but
 27 appointments thus made shall expire at the next meeting of the board.

28 SECTION 3. IC 20-12-24-3.6 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 3.6. The board of trustees**
 31 **shall have four (4) nonvoting legislator members appointed under**
 32 **this section. Two (2) members of the board of trustees shall be**
 33 **members of the Indiana house of representatives who are**
 34 **appointed by the speaker of the house of representatives from**
 35 **different political parties. Two (2) members of the board of**
 36 **trustees shall be members of the Indiana senate who are appointed**
 37 **by the president pro tempore of the senate from different political**
 38 **parties. The members appointed under this section shall:**

- 39 (1) **serve a three (3) year term beginning July 1, or, if a**
 40 **vacancy occurs, for the remainder of the unexpired term of**
 41 **the previous appointee;**
 42 (2) **be eligible for reappointment if the person remains a**

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member of the house of representatives or the senate,
respectively;

(3) not be entitled to vote as a member of the board of
trustees; and

(4) receive the same per diem, mileage, and travel allowances
established by the legislative council and paid to members of
the general assembly serving on interim study committees.

SECTION 4. IC 20-12-37-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The board of
trustees of Purdue University shall consist of ~~ten (10)~~ **fourteen (14)**
members, to be appointed for such term of service and in such manner
as is ~~herein~~ provided ~~and that~~ **by statute**. The terms of all trustees shall
terminate on the first day of July of the year in which their terms of
office expire.

SECTION 5. IC 20-12-37-2 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** The governor
of the state of Indiana shall appoint ten (10) trustees for Purdue
University for the term beginning on the first day of July, which
trustees and their successors shall be appointed as ~~hereinafter~~ provided
in this chapter. In addition, four (4) legislator trustees shall be
appointed under subsection (b).

(b) The board of trustees shall have four nonvoting (4) legislator
members appointed under this section. Two (2) members of the
board of trustees shall be members of the Indiana house of
representatives who are appointed by the speaker of the house of
representatives from different political parties. Two (2) members
of the board of trustees shall be members of the Indiana senate
who are appointed by the president pro tempore of the senate from
different political parties. The members appointed under this
subsection shall:

(1) serve a three (3) year term beginning July 1, or, if a
vacancy occurs, for the remainder of the unexpired term of
the previous appointee;

(2) be eligible for reappointment if the person remains a
member of the house of representatives or the senate,
respectively;

(3) not be entitled to vote as a member of the board of
trustees; and

(4) receive the same per diem, mileage, and travel allowances
established by the legislative council and paid to members of
the general assembly serving on interim study committees.

SECTION 6. IC 20-12-56-3 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The Indiana State University board of trustees shall be composed of ~~nine (9)~~ **thirteen (13)** trustees. The governor shall appoint to the board seven (7) competent persons, one (1) of whom must be a student, and two (2) additional competent persons, alumni of the university, nominated by the alumni council of the university, shall be appointed by the governor. There shall be one (1) or more women on the duly constituted board. **In addition, four (4) nonvoting legislator members of the board of trustees shall be appointed under subsection (b).**

(b) The board of trustees shall have four (4) nonvoting legislator members appointed under this section. Two (2) members of the board of trustees shall be members of the Indiana house of representatives who are appointed by the speaker of the house of representatives from different political parties. Two (2) members of the board of trustees shall be members of the Indiana senate who are appointed by the president pro tempore of the senate from different political parties. The members appointed under this subsection shall:

(1) serve a three (3) year term beginning July 1, or, if a vacancy occurs, for the remainder of the unexpired term of the previous appointee;

(2) be eligible for reappointment if the person remains a member of the house of representatives or the senate, respectively;

(3) not be entitled to vote as a member of the board of trustees; and

(4) receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees.

(c) All trustees and their successors shall be appointed for terms of four (4) years, except:

(1) the student member, who shall be appointed for two (2) years during which time he the member must be a full-time student of Indiana State University; and

(2) the legislator members, who shall be appointed for three (3) years.

(d) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the

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selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for ~~his~~ **the governor's** consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of this chapter.

~~(d)~~ **(e)** All members appointed to the board shall be residents of the state of Indiana and citizens of the United States of America. The alumni members appointed to the board shall have completed a prescribed course of study by Indiana State University or its predecessors, Indiana State Normal School, Indiana State Teachers College, or Indiana State College.

~~(e)~~ **(f)** All vacancies occurring in the board from death, resignation, or removal from the state shall be filled by appointment by the **governor appointing authority** for the unexpired term of the retiring member, subject to the provision that the alumni council of the university shall nominate the appointee to fill a vacancy caused by the loss of an alumni member.

SECTION 7. IC 20-12-57.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. ~~(Board of Trustees: Membership)~~ **(a)** The Ball State University board of trustees shall be composed of ~~nine (9)~~ **thirteen (13)** members, ~~nine (9) of whom shall be~~ appointed by the governor pursuant to the provisions of under this chapter. **Of the nine (9) members appointed by the governor, six (6) of whom shall be appointed at large, two (2) of whom shall be appointed as alumni of Ball State University, and one (1) of whom shall be appointed as a Ball State University student. In addition, four (4) nonvoting legislator members of the board of trustees shall be appointed under subsection (b).**

(b) The board of trustees shall have four (4) nonvoting legislator members appointed under this section. Two (2) members of the board of trustees shall be members of the Indiana house of representatives who are appointed by the speaker of the house of representatives from different political parties. Two (2) members of the board of trustees shall be members of the Indiana senate who are appointed by the president pro tempore of the senate from different political parties. The members appointed under this subsection shall:

(1) serve a three (3) year term beginning July 1, or, if a vacancy occurs, for the remainder of the unexpired term of the previous appointee;

(2) be eligible for reappointment if the person remains a member of the house of representatives or the senate,



respectively;

(3) not be entitled to vote as a member of the board of trustees; and

(4) receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees.

(c) Within the nonstudent board membership, not more than six (6) of the members appointed by the governor shall be of the same sex and not less than one (1) shall be a resident of and reside in Delaware County, Indiana.

(d) To aid the governor in the selection of the student member, a search and screen committee is created consisting of one (1) representative of the governor and at least four (4) students chosen by the elected student government representatives of the student body. The committee shall establish the mode and criteria to be used in the selection of student nominees to serve on the board of trustees. The committee shall submit a list of at least ten (10) names to the governor for his the governor's consideration. The governor shall select one (1) of these names for appointment as a trustee of the university in accordance with the provisions of under this chapter.

SECTION 8. IC 20-12-57.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) ~~With the exception of the student member of the board,~~ **Except as provided in subsection (b) and section 2(b) of this chapter,** all appointments to the board of trustees are for four (4) year terms. Each term of a nonstudent board member begins on January 1 of the appropriate year. Each member shall serve until his the member's successor is appointed and qualified.

(b) The student member of the board of trustees who is appointed under section 2 of this chapter is appointed for a two (2) year term. ~~His~~ **The student member's** term begins on July 1 of the year in which ~~he~~ **the student** is appointed. The student member of the board must be a full-time student at Ball State University throughout ~~his the student member's~~ **member's** term.

SECTION 9. IC 20-12-57.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. ~~(Board Vacancies)~~ All vacancies occurring on the board of trustees from death, incapacitation, or resignation shall be filled by appointment ~~of by~~ **the governor appointing authority** for the unexpired term. Vacancies in offices held by alumni members shall be filled from nominees submitted by the alumni council.

SECTION 10. IC 20-12-61-4, AS AMENDED BY P.L.20-2000,



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SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Ivy Tech shall be governed by a board of trustees **who are either** appointed by the governor **under subsection (b) or appointed as nonvoting legislator members under subsection (c).**

(b) The number of members of the state board **appointed by the governor** must equal the number of regions established under section 9 of this chapter. Each member of the state board **appointed by the governor** must have knowledge or experience in one (1) or more of the following areas:

- (1) Manufacturing.
- (2) Commerce.
- (3) Labor.
- (4) Agriculture.
- (5) State and regional economic development needs.
- (6) Indiana's educational delivery system.

One (1) member of the state board **appointed by the governor** must reside in each region established under section 9 of this chapter. Appointments **by the governor** shall be for three (3) year terms, on a staggered basis.

~~(b)~~ (c) **The board of trustees shall have four (4) nonvoting legislator members appointed under this section. Two (2) members of the board of trustees shall be members of the Indiana house of representatives who are appointed by the speaker of the house of representatives from different political parties. Two (2) members of the board of trustees shall be members of the Indiana senate who are appointed by the president pro tempore of the senate from different political parties. The members appointed under this subsection shall:**

- (1) **serve a three (3) year term beginning July 1, or, if a vacancy occurs, for the remainder of the unexpired term of the previous appointee;**
- (2) **be eligible for reappointment if the person remains a member of the house of representatives or the senate, respectively;**
- (3) **not be entitled to vote as a member of the board of trustees; and**
- (4) **receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees.**

(d) **Except as provided in subsection (c), no one who holds an elective or appointed office of the state is eligible to serve as a member**



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of the state board. A member of a regional board may be appointed to the state board, but must then resign from the regional board.

SECTION 11. IC 20-12-61-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in section 4(c) of this chapter**, the governor shall fill all vacancies on the state board. Each trustee appointed to fill a vacancy shall represent the same region as ~~his~~ **the trustee's** predecessor.

(b) If a vacancy occurs on the state board, the regional board for the region in which the former member resided may recommend to the governor one (1) or more qualified persons to fill the vacancy.

SECTION 12. IC 20-12-64-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The board consists of ~~nine (9)~~ **thirteen (13)** members who shall serve staggered terms of four (4) years. However:

(1) the student member required by subsection (c) shall serve a term of two (2) years; **and**

(2) **the legislator members appointed under subsection (d) shall serve a term of three (3) years.**

(b) Each member of the board must be a citizen of the United States and a resident of Indiana.

(c) The board must include at least the following:

(1) One (1) member who is an alumnus of the university or an alumnus of the regional campus.

(2) One (1) member who is a full-time student in good standing enrolled in the university.

(3) One (1) member who is a resident of Vanderburgh County.

(4) **Four (4) members who are appointed under subsection (d).**

(d) **The board of trustees shall have four (4) nonvoting legislator members appointed under this section. Two (2) members of the board of trustees shall be members of the Indiana house of representatives who are appointed by the speaker of the house of representatives from different political parties. Two (2) members of the board of trustees shall be members of the Indiana senate who are appointed by the president pro tempore of the senate from different political parties. The members appointed under this subsection shall:**

(1) **serve a three (3) year term beginning July 1, or, if a vacancy occurs, for the remainder of the unexpired term of the previous appointee;**

(2) **be eligible for reappointment if the person remains a member of the house of representatives or the senate, respectively;**



1 **(3) not be entitled to vote as a member of the board of**
 2 **trustees; and**

3 **(4) receive the same per diem, mileage, and travel allowances**
 4 **established by the legislative council and paid to members of**
 5 **the general assembly serving on interim study committees.**

6 SECTION 13. IC 20-12-64-8 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **Except as**
 8 **provided in section 7(d) of this chapter,** the governor shall appoint
 9 the members of the board. If a vacancy occurs during the term of any
 10 member, the ~~governor appointing authority~~ shall appoint an
 11 individual to serve the unexpired term of the vacating member.

12 SECTION 14. IC 23-13-18-4 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board of
 14 trustees of Vincennes University shall consist of ~~ten (10)~~ **fourteen (14)**
 15 trustees. Nine (9) shall be appointed by the governor, one (1) of whom
 16 must be a resident of Knox County and one (1) must be an alumnus of
 17 Vincennes. In addition, the governor shall appoint one (1) trustee who
 18 is a full-time student of the university during ~~his~~ **the student's** term.
 19 **Four (4) nonvoting members of the board of trustees shall be**
 20 **legislator members appointed under subsection (d).**

21 (b) To aid the governor in the selection of the student member, a
 22 search and screen committee is created consisting of one (1)
 23 representative of the governor and at least four (4) students chosen by
 24 the elected student government representatives of the student body. The
 25 committee shall establish the mode and criteria to be used in the
 26 selection of student nominees to serve on the board of trustees. The
 27 committee shall submit a list of at least five (5) names to the governor
 28 for ~~his~~ **the governor's** consideration. The governor shall select one (1)
 29 of these names for appointment as a trustee of the university in
 30 accordance with the provisions of this chapter.

31 (c) There shall be four (4) ex officio members of the board: the
 32 president of the university, the superintendent of the Vincennes
 33 Community School Corporation, the superintendent of the South Knox
 34 School Corporation, and the superintendent of the North Knox School
 35 Corporation.

36 **(d) The board of trustees shall have four (4) nonvoting legislator**
 37 **members appointed under this section. Two (2) members of the**
 38 **board of trustees shall be members of the Indiana house of**
 39 **representatives who are appointed by the speaker of the house of**
 40 **representatives from different political parties. Two (2) members**
 41 **of the board of trustees shall be members of the Indiana senate**
 42 **who are appointed by the president pro tempore of the senate from**

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different political parties. The members appointed under this subsection shall:

(1) serve a three (3) year term beginning July 1, or, if a vacancy occurs, for the remainder of the unexpired term of the previous appointee;

(2) be eligible for reappointment if the person remains a member of the house of representatives or the senate, respectively;

(3) not be entitled to vote as a member of the board of trustees; and

(4) receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees.

(e) The term of each appointed trustee shall be for three (3) years, except that of the student appointee, who shall serve a one (1) year term. When a vacancy occurs in the membership of the board of trustees, such vacancy shall be filled by the board for the unexpired term, **except a vacancy of a legislator member that shall be filled by the appointing authority.** The appropriate number of appointive trustees shall be appointed prior to the first Monday of October of each year, and that first Monday shall be the first day of their terms.

~~(e)~~ (f) The annual meeting of the board shall be held on the first Monday of October of each year. Special meetings may be called by the president of the board or by any ~~four (4)~~ **six (6)** trustees.

~~(f)~~ (g) ~~Six (6)~~ **Eight (8)** trustees shall constitute a quorum at any regular or special meeting of the board.

~~(g)~~ (h) The trustees shall serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

SECTION 15. **An emergency is declared for this act.**

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